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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA ) 2:04-CR-0220-WBS  
Plaintiff, )  
 ) PRELIMINARY ORDER OF FORFEITURE  
v. ) AND PUBLICATION THEREOF  
 )  
 )  
 ) Date: August 31, 2005  
SEKHARITH BE, ) Time: 9:00 a.m.  
 ) Court: Hon. William B. Shubb  
Defendant. )  
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Based upon defendant Sekharith Be's conviction on Count  
Seven (a violation of 18 U.S.C. § 1960) of the Superseding  
Indictment, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Pursuant to Fed. R. Crim. P. 32.2, 18 U.S.C. §  
982(a)(1), and U.S.C. § 982(b)(1) (incorporating provisions of 21  
U.S.C. § 853(p)), defendant Sekharith Be's interest in the  
following property shall be condemned and forfeited to the United  
States of America, to be disposed of according to law:

1. Approximately \$22,000.00 in U.S. Currency seized  
on or about May 18, 2004;

- 1       2.    Approximately \$4,248.00 in U.S. Currency with  
2        Potential Collector Value seized on or about May  
18, 2004;
- 3       3.    47 pieces of jewelry seized on or about May 18,  
4        2004; and
- 5       4.    39 clear cut stones seized on or about May 18,  
6        2004.

7       Hereinafter, these assets are collectively referred to as the  
8       "Assets".

9       2.    The above-listed Assets constitute substitute assets  
10      pursuant to 18 U.S.C. § 982(b) (1) (incorporating 21 U.S.C. §  
11      853(p)).

12      3.    Pursuant to Fed. R. Crim. P. 32.2(b), the Secretary of  
13      Treasury (or a designee) is authorized to retain the above-  
14      described properties in his custody and control. That the  
15      aforementioned forfeited properties shall be seized and held by  
16      the Department of Treasury, Internal Revenue Service - Criminal  
17      Investigations Division, in its secure custody and control.

18      4.    a. Pursuant to 18 U.S.C. § 982(b) (1) incorporating 21  
19      U.S.C. § 853(n) and Local Rule 83-171, the United States  
20      forthwith shall publish at least once for three successive weeks  
21      in the Stockton Record (San Joaquin County), a newspaper of  
22      general circulation located in the county in which the above-  
23      described Assets were seized, notice of this Order, notice of the  
24      Secretary of Treasury's intent to dispose of the property in such  
25      manner as the Secretary of Treasury may direct, and notice that  
26      any person, other than the defendant, having or claiming a legal  
27      interest in the above-listed forfeited properties must file a  
28      petition with the Court within thirty (30) days of the final

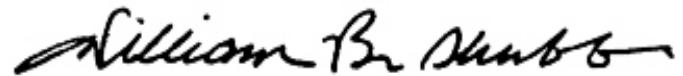
1 publication of the notice or of receipt of actual notice,  
2 whichever is earlier.

3                   b. This notice shall state that the petition shall be  
4 for a hearing to adjudicate the validity of the petitioner's  
5 alleged interest in the properties, shall be signed by the  
6 petitioner under penalty of perjury, and shall set forth the  
7 nature and extent of the petitioner's right, title or interest in  
8 the forfeited properties and any additional facts supporting the  
9 petitioner's claim and the relief sought.

10                  c. The United States may also, to the extent  
11 practicable, provide direct written notice to any person known to  
12 have alleged an interest in the Assets that are the subject of  
13 this Order of Forfeiture, as a substitute for published notice as  
14 to those persons so notified.

15                  5. If a petition is timely filed, upon adjudication of all  
16 third-party interests, if any, this Court will enter a Final  
17 Order of Forfeiture pursuant to 18 U.S.C. § 982(a)(1) and U.S.C.  
18 § 982(b)(1) (incorporating provisions of 21 U.S.C. § 853(p)) in  
19 which all interests will be addressed.

20                  SO ORDERED nunc pro tunc this 14th day of September, 2005.

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22                  WILLIAM B. SHUBB  
23                  UNITED STATES DISTRICT JUDGE

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